

THE REMARKS

Claims 1-10, 12-21 were pending prior to entering the amendments.

The Amendments

Claims 1, 8-10 and 13-15 have been amended. Claim 22 is a new claim. Claims 12, 19-21 have been cancelled. Support for these amendments and the new claim is found in the Specification as follows:

Claim 1 – pg. 5, ln 19-23 and pg. 6, ln 1-2; pg. 7, ln 9-24, Fig. 2b and 4b

Claim 8, 9 – pg. 4, ln 14-24, Fig. 2a

Claim 10 – pg. 5, ln 10-14

Claim 22 – pg. 5, ln 6-9

Claim 13-15 – Amend dependency and references due to the cancellation of claim 12.

No new matter is added in any of the amendments. The Examiner is requested to enter the amendment and reconsider the application.

Objections to the Drawings

Claim 12 has been cancelled.

Objections to the Specification

Applicant respectfully directs the Examiner's attention to Replacement pages 2B and 3 and Replacement drawings Figures 1-8, which were submitted with the filing of the application on February 10, 2006, as part of a preliminary amendment. Those amendments were made during the PCT application and should have been incorporated into the US national phase application. Figure 8 is properly described in the Specification; therefore, the Examiner should withdraw the objection.

35 U.S.C. § 112 Rejections

Claims 1-10 and 12-21 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

In response, the Applicant has deleted the word “rigid” from the claim 1. Claim 12 has been cancelled.

Claims 8-10 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, claim 8 has been amended to address the 35 U.S.C. §112 rejection. The amendment clarifies the nature of the surfaces for the stopper portion (24).

35 U.S.C. § 103(a) Rejections

Claims 1-5, 7-10 and 16-18 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Morabeto (U.S. Patent No. 4,645,208) in view of Nial et al. (U.S. Patent No. 1,551,207) and Blair (U.S. Patent No. 4,004,814).

In response, the Applicant has amended independent claim 1 to incorporate the element of an interconnected portion (41) related to the prong members (40). If it is desirable to hit a longer golf shot, then relatively long prong members (40) are required, and the prong members (40) have an interconnected portion (41) at the ends proximal to the pivotal portion (36) of the support portion (16), in which lower ends of the prong members (40) are longitudinally connected. Alternatively, if it is desirable to hit a shorter golf shot, then relatively short prong members (40) are required, and the prong members (40) do not have an interconnected portion (41) at the ends proximal to the pivotal portion (36) of the support portion (16), in which lower ends of the prong members (40) are longitudinally connected.

Support for this Amendment is found in the Specification pg. 5, ln 19-23 and pg. 6, ln 1-2; pg. 7, ln 9-24, Fig. 2b and 4b

Neither Morabeto nor Nial nor Blair disclose an interconnected portion element related to prong members, considered singly or in combination. Nor do they describe a modification to a golf tee in order to achieve a shorter or longer distance golf shot. Accordingly, the Applicant respectfully asserts that amended claim 1 is non-obvious over Morabeto in view of Nial, in view of Blair.

Dependent claim 2-5, 7-10, and 16-18 are directly or indirectly dependent upon amended claim 1. The Applicant respectfully asserts that claims 2-5, 7-10, and 16-18 are allowable at least based on an allowable base claim.

In addition, the Applicant has amended claims 8-10.

Relative to claim 8, claim 8 has been amended to clarify the nature of the surfaces for the stopper portion (24). The claim amendment discloses that the stopper portion (24) has two distinct surfaces, with the purpose of ensuring that the stopper portion (24) is not displaced when the golf ball is struck by the golf club. Support for this amendment is found in the Applicant's Specification, pg. 4, ln 14-24, Fig. 2a

Relative to Morabeto, Morabeto describes a structure with "a plurality of flanged curved finger 3, preferably three, separated by "U" shaped opening 4". (Morabeto, col. 1, ln 60-61). However, based on Morabeto Fig. 1 and Fig. 5, these curved fingers appear to be equal distance around the golf tee. This symmetrical structure is not the same as the Applicant's asymmetrical stopper portion (24) comprising a "C-shaped portion (48) and a segmented portion (50) as described in claim 8. Moreover, Morabeto's structure does not serve the purpose of ensuring that the stopper portion (24) is not displaced when the golf ball is struck by the golf club.

Further Blair and Nial are silent on the special shapes relative to a stopper portion element. Thus, neither Morabeto nor Blair nor Nial describe the structure of claim 8, considered singly or in combination. Accordingly, the Applicant respectfully asserts that amended claim 8 is non-obvious over Morabeto in view of Nial, in view of Blair.

Relative to claim 9, claim 9 has been re-written to clarify the nature of the surfaces for the stopper portion (24) and be consistent with amended claim 8. Amended claim 9 asserts that these surfaces have a gradient of 25 degrees relative to each other. Support for this specification is found in the Applicant's Specification, pg. 4, ln 20. Neither Morabeto nor Blair nor Nial specify an angle relative to the design surfaces of a stopper portion element, considered singly or

in combination. Thus, the Applicant respectfully asserts that amended claim 9 is non-obvious over Morabeto in view of Nial, in view of Blair.

Relative to claim 10, claim 10 incorporates the limitation that the guidance marker is located on the upper surface (52). Support for this amendment is found in the Applicant's Specification, pg. 5, ln 10-14. Morabeto, Blair, and Nial are silent on the subject of guidance markers. The Examiner suggests that Morabeto has "U" shaped opening 4 that is capable of being used as guidance markers. (Office Action dated 4/8/2008) The Applicant respectfully disagrees. Per the Applicant's Specification, the guidance marker is preferably a line or arrow and marked on the upper surface (52). Per Fig. 3, Morabeto's "U" shaped opening 4 does not give the clarity of a line or arrow for guidance and Morabeto's "U" shaped opening 4 is not located on an upper surface, but rather the bottom of the "U" (i.e.guidance marker) is located on a lower surface.

Thus, neither Morabeto nor Blair nor Nial specify a guidance marker, considered singly or in combination. Thus, the Applicant respectfully asserts that amended claim 10 is non-obvious over Morabeto in view of Nial, in view of Blair.

Claim 6 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Morabeto (U.S. Patent No. 4,645,208) in view of Nial et al. (U.S. Patent No. 1,551,207), Blair (U.S. Patent No. 4,004,814) and Liu (U.S. Publication No. 2004/0018896).

Dependent claim 6 is directly dependent upon amended claim 1. The Applicant respectfully asserts that claim 6 is allowable at least based on an allowable base claim.

Claims 12-15, 19 and 20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Harvey (U.S. Patent No. 2, 457,670) in view of Chase (U.S. Patent No. 3,414,268) and Blair (U.S. Patent No. 4,004,814).

Claims 12, 19 and 20 has been cancelled. Claims 13-15 has been amended to change its dependency to claim 1 and to correct references due to the cancellation of claim 12. Therefore, dependent claims 13-15 are directly or indirectly dependent upon amended claim 1. The

Applicant respectfully asserts that claims 13-15 are allowable at least based on an allowable base claim.

Claim 21 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Harvey (U.S. Patent No. 2, 457,670) in view of Chase (U.S. Patent No. 3,414,268), Blair (U.S. Patent No. 4,004,814) and Willey (U.S. Patent No. 1,866,143).

Claim 21 is cancelled.

CONCLUSION

Applicants believe that the application is now in good and proper condition for allowance. Early notification of allowance is earnestly solicited.

Respectfully submitted,

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